

FILED 19 JUN 13 10:40 USDC-OR

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America
v.
DANIEL FRANCIS MOORE

Case No.

1:19-MJ-00112-CL

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 12, 2019 in the county of Jackson in the

District of Oregon, the defendant(s) violated:

Code Section

18 U.S.C. § 111

Offense Description

Assaulting, Resisting, or Impeding Certain Officers or Employees

This criminal complaint is based on these facts:

Please see attached affidavit of Inspector Graham Nelson.

☐ Continued on the attached sheet.


Complainant's signature

GRAHAM NELSON, Inspector FPS

Printed name and title

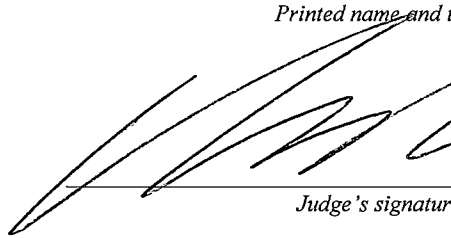
Sworn to before me and signed in my presence.

Date:


6/13/19

City and state:

Medford, Oregon


Judge's signature

MARK D. CLARKE, U.S. Magistrate Judge
Printed name and title



DISTRICT OF OREGON, ss:

AFFIDAVIT OF GRAHAM NELSON

Affidavit in Support of a Criminal Complaint

I, Graham M. Nelson, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am an Inspector with the Federal Protective Service (FPS) and have been since August 10, 2015. I am currently assigned to the FPS Medford Field Office to ensure that federal properties are safe and secure for the employees and visitors by enforcing federal and state laws, as well as specific federal building regulations. My training and experience include the Uniformed Police Training Program at the Federal Law Enforcement Training Center, annual legal and use of force refresher training, and quarterly weapons and defensive tactics training. I have investigated federal criminal violations related to threats, theft, civil disobedience and violent crimes, as well as a number of other criminal offenses.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Daniel Francis Moore ("Moore"), for forcibly assaulting a person designated under 18 U.S.C. § 1114, while the person was engaged in his official duties on a property leased by the federal government, in violation of 18 U.S.C. § 111. As set forth below, there is probable cause to believe, and I do believe, that Moore committed an assault in violation of 18 U.S.C. § 111.

Applicable Law

3. Title 18, United States Code, Section 111 states that whoever forcibly assaults, resists, or impedes any person designated in section 1114 of the same title while engaged in the performance of official duties shall, where such acts involve physical contact with the victim, be fined under this title or imprisoned not more than eight years, or both. Title 18 United States

Code, section 1114 states that persons designated in this section include any person assisting any officer of any agency of the United States Government.

Statement of Probable Cause

4. On June 12, 2019, at approximately 9:42 a.m., I received a radio report from Protective Security Officer (PSO) Dan Jerden that he was in a physical altercation with an individual. PSO Jerden is, and was at that time, an armed and uniformed contract employee working for FPS through MaxSent Security, whose responsibilities include enforcement of building rules and regulations on federally leased properties. MaxSent Security has a security contract with FPS to provide armed guard service at various federal properties and leases throughout Oregon and Washington, including the Medford Social Security Administration (SSA) office at 3501 Excel Drive Medford, OR 97504. PSOs are trained on building rules and regulations and are instructed in official post orders, which are written and approved by FPS, to enforce building regulations on behalf of FPS. PSO Jedern is assigned to the Medford Social Security Administration (SSA) office at 3501 Excel Drive Medford, OR 97504, where I responded on June 12, 2019, at approximately 9:43 a.m.

5. Upon entering the common space lobby at the Medford SSA office, I saw Jerden kneeling over an individual, later identified as Daniel Francis Moore, securing him in handcuffs. I also noticed PSO Jerden's badge laying on the ground and that he was breathing heavily. I took over custody of Moore and placed him in my patrol car, so that I could interview witnesses and speak with PSO Jerden about the events leading up to Moore's arrest.

6. PSO Jerden informed me that when Moore walked up to the SSA door that morning, PSO Jerden, in accordance with his official post orders, asked Moore if he was in

possession of any weapons or explosives. Moore did not respond and just stared at PSO Jerden. PSO Jerden asked him a second time, "Yes, no?" and then Moore answered angrily, "No," and walked into the SSA lobby.

7. PSO Jerden observed an object bulging from under Moore's untucked shirt on his right hip at the belt line. PSO Jerden has been trained by FPS to spot the signs of concealed weapons, which include bulging clothing along the belt line. In accordance with his official post orders to investigate suspected concealed weapons on persons entering or on federal property, PSO Jerden followed Moore into the SSA lobby and asked Moore what was on his right hip under his shirt. Moore responded that it was his phone. PSO Jerden responded to Moore that he needed to see that it was a phone. Moore responded to PSO Jerden, "Fuck you!"

8. Because Moore would not comply with the screening standards required to enter the SSA, PSO Jerden informed him that he needed to leave the premises. At that time, PSO Jerden escorted Moore out of the lobby. On their way out, Moore kept cursing at PSO Jerden and saying, "Fuck you...you're just a security guard."

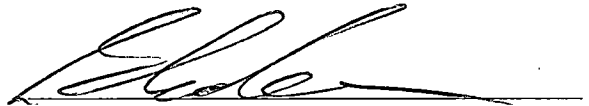
9. Once PSO Jerden and Moore arrived just outside the SSA lobby door, PSO Jerden told Moore to "have a good day," or words to that effect. Moore then spun around and punched PSO Jerden in the chest, knocking him backward into a door. PSO Jerden wrestled with Moore and while attempting to gain control of Moore, they both fell to the ground. While they were on the ground, PSO Jerden was able to get control of Moore and put him in handcuffs.

Conclusion

10. Based on the foregoing, I have probable cause to believe, and I do believe, that Moore committed an assault against PSO Dan Jerden while PSO Jerden was engaged in his

official duties on property leased by the U.S. Government, in violation of 18 U.S.C. § 111. I therefore request that the Court issue a criminal complaint for Moore.

11. Prior to being submitted to the Court, this affidavit and the accompanying complaint were all reviewed by Assistant United States Attorney (AUSA) Adam Delph, and AUSA Adam Delph advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint.


GRAHAM NELSON
Inspector, Federal Protective Service

Subscribed and sworn to before me this 13 day of June 2019.


MARK D. CLARKE
United States Magistrate Judge